

Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: "opp-docket@epa.gov," or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-181076. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the proposed rule or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action Is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. California Department of Pesticide Regulation has requested the Administrator to issue a specific exemption for the use of buprofezin on cotton to control silverleaf whitefly. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that a new strain, or possibly a new species, of whitefly, referred to as the strain B of sweet potato whitefly, or the silverleaf whitefly, has been a major pest of cotton since the early 1990s. Since that time, this pest has caused extensive damage to cotton and vegetable crops. The Applicant claims that adequate control will not be achieved with currently registered products and alternative cultural practices. The Applicant points out that large populations of silverleaf whiteflies have demonstrated resistance to available insecticidal control. The Applicant indicates that without adequate control of this pest in cotton, significant economic losses will occur.

The Applicant proposes to make no more than one application of buprofezin, formulated as Applaud 70WP (70% active ingredient (a.i.)), at a rate of 0.35 lb. a.i. per acre, on up to 100,000 acres of cotton, in California. The use season proposed is June 1 to October 15, 2000. If all 100,000 acres were treated, a total of 50,000 lbs. of product, or 35,000 lbs. of active ingredient, would be used.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a

notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 5, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 00-12307 Filed 5-16-00; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00599B; FRL-6553-9]

Pesticides; Guidance for Pesticide Registrants on Mandatory and Advisory Labeling Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency has issued Pesticide Registration (PR) Notice 2000-5 entitled "Guidance for Mandatory and Advisory Labeling Statements." This PR notice provides guidance to the registrant for improving the clarity of labeling statements in order to avoid confusing directions and precautions and to prevent the misuse of pesticides.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter, (7505C), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5448; fax number: (703) 305-6920; e-mail address: kempter.carlton@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are required to register pesticides. Since other entities may also be

interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document and the PR Notice from the Office of Pesticide Programs' Home Page at <http://www.epa.gov/pesticides>. You can also go directly to the listings from the EPA Internet Home Page at <http://www.epa.gov>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register—Environmental Documents.**" You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr>.

2. *Fax-on-demand.* You may request a faxed copy of the Pesticide Registration (PR) Notice entitled "Guidance for Mandatory and Advisory Labeling Statements," by using a faxphone to call (202) 401-0527 and selecting item 6128. Also, you may select item 6129 for the paper entitled "Responses to Public Comments on Draft PR Notice on Mandatory/Advisory Labeling." You may also follow the automated menu.

3. *In person.* The Agency has established an official record for this action under docket control number OPP-00599B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

II. What Guidance Does this PR Notice Provide?

This notice provides guidance to the registrant for improving the clarity of labeling statements in order to avoid confusing directions and precautions, and to prevent the misuse of pesticides. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 2(ee) defines the term "to use any registered pesticide in a manner inconsistent with its labeling" (i.e., misuse) as use of "... any registered pesticide in a manner not permitted by the labeling" For purposes of this notice, the term "use" includes storage, transportation, handling, pre-application activities, mixing and loading, worker notification and worker protection, application, post-application activities and disposal. Registrants are not required to submit applications in response to this notice, however, EPA will review applications in light of the guidance presented here and seek to clarify labeling statements that are unclear or ambiguous. Finally, registrants may no longer add or change advisory labeling statements to existing products by notification as previously permitted by PR Notices 95-2 and 98-10. This PR Notice supersedes those PR Notices concerning the use of notification for adding or modifying advisory statements.

III. Guidance on Mandatory and Advisory Labeling Statements

Statements on the pesticide labeling may be interpreted by users differently from what the registrant or EPA intended when the labeling was accepted. If EPA believes that misuse has occurred, an administrative law judge or a court may have to decide whether a product's labeling statements are clear enough for the user to understand how to lawfully use the product. Pesticide labeling needs to clearly identify what is required of the user to handle and apply a pesticide safely. The Agency is engaged in numerous efforts to improve pesticide product labels in general (e.g., the Consumer Labeling Initiative), as well as in specific areas of the labeling (e.g., bee precautionary labeling and pesticide drift labeling).

Mandatory statements, which commonly use imperative verbs such as "must" or "shall," either require action or prohibit the user from taking certain action. Advisory statements generally provide information, either in support of the mandatory statements or about the product in general. To ensure that the intent of each labeling statement is clear, mandatory statements need to be

clearly distinguishable from advisory statements.

Currently, labeling provisions are enforced by taking into consideration all of the information presented on the label and by reading advisory statements in the context of the entire label. Problems can arise when advisory statements are either vague or ambiguous in meaning, or are inconsistent with mandatory labeling statements. In the past, advisory statements have commonly used suggestive verbs such as "should," "may," or "recommend" to encourage the user to achieve the directed behavior, but often these statements can be unclear as to whether they are mandatory or advisory. In a recent misuse enforcement action, for example, the person charged with the violation argued that advisory statements misled him into taking action which was inconsistent with the mandatory statements.

Advisory language using terms such as "should," "may," and "recommend" can create ambiguities as to the intent of the direction or precaution. Too often, common everyday speech using the word "should" creeps into mandatory label statements where the imperative tense is needed to communicate that certain action is required. Another problem is contradictory headings and statements. A set of mandatory directions preceded by an advisory heading such as "Use Recommendations" potentially conflicts as to the nature of the intended action. Lastly, the use of words such as "should" in advisory language can mistakenly imply that an unaccepted use is permissible. For example, the direction "you should remove all food articles prior to use" on a product that is not registered for any food uses could be mistakenly read to suggest that it is not mandatory to remove all food from the area to be treated.

The Agency seeks to improve mandatory and advisory labeling statements by providing guidance on how they can best be written. Mandatory statements are generally written in imperative or directive terms (such as "shall," "must," "do this," "do not") so that a typical user will understand that these statements direct the user to take or avoid certain actions, and that failure to follow these instructions is a misuse of the product. Advisory statements are generally best written in descriptive or nondirective terms to support the mandatory statements or provide information. Suggestive terms such as "should," "may," or "recommend" may be confusing or ambiguous, or potentially

conflict with mandatory labeling statements; thus, they are to be avoided. EPA realizes that the use of descriptive terms for advisory statements is not appropriate for every situation and that there are times where it may be necessary to use "should," "may," "recommend," or similar words. However, in most cases it is best to craft advisory labeling statements in straightforward, descriptive language.

The PR Notice was developed from a draft document by the same title that was released for public comment on June 2, 1999 (64 FR 29641) (FRL-6079-4). The Agency received comments from various organizations. Each of the commenters offered recommendations for improving the document. All comments were extensively evaluated and considered by the Agency. This revised version embodies some of the recommendations of the commenters. A summary of the public comments, as well as the Agency's response to the comments, is being made available as described in Units I.B.1. and I.B.2.

IV. Why is a PR Notice Guidance and Not a Rule?

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, this policy is not binding on either EPA or any outside parties. Although this guidance document provides a starting point for EPA decisions, EPA will depart from this policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that this policy is not appropriate for a specific pesticide or that the specific circumstances demonstrate that this policy should be abandoned.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 10, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00-12379 Filed 5-16-00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6606-7]

North Penn Area 1 Superfund Site; Notice of Proposed Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), notice is hereby given of a proposed administrative cost recovery settlement under Section 122(h)(1) of CERCLA concerning the North Penn Area 1 Superfund Site, Montgomery County, Pennsylvania, which was signed by the EPA Acting Regional Administrator, Region III, and the Assistant Attorney General for the Department of Justice, Environment and Natural Resources Division. The proposed settlement is intended to resolve an EPA claim under Section 107(a) of CERCLA against the Estate of Harry Maurer. The settlement requires the settling party to pay \$20,000 to the Hazardous Substance Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency and the United States Department of Justice will consider all comments received and may modify or withdraw their consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The agreement has been approved by the Attorney General, United States Department of Justice, or her designee.

DATES: Comments must be submitted on or before June 16, 2000.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed settlement may be obtained from Suzanne Canning, Regional Docket Clerk (3RC00), U.S. Environmental

Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814-2476. Comments should reference the North Penn Area 1 Superfund Site and EPA Docket No. III-99-008-DC and should be forwarded to Ms. Canning at the above address.

FOR FURTHER INFORMATION CONTACT:

Thomas A. Cinti, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103; (215) 814-2634.

Dated: May 3, 2000.

Bradley M. Campbell,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 00-12391 Filed 5-16-00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6701-7]

Proposed Administrative Cashout Deminimis Settlement Under Section 122(g) of the Comprehensive Environmental Response Compensation and Liability Act; in the Matter of Tri-County/Elgin Landfill Site, Kane County, Illinois

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past and projected future response costs concerning the Tri-County/Elgin Landfill site in Kane County, Illinois, with the Precision Diamond Tool Company. The settlement requires Precision Diamond Tool Company to pay \$20,000.00 to the Hazardous Substance Superfund.

On October 13, 1998, EPA sent out *deminimis* settlement offers to 386 *deminimis* generators and transporters (the "*deminimis* offerees"). The Administrative Order on Consent accompanying that *deminimis* offer was designated as EPA Docket No. V-W-99-C-507. Attached to the Administrative Order on Consent in EPA Docket No. V-W-99-C-507 is a volumetric ranking, in the form of a spread sheet, listing the *deminimis* offerees, the volume of waste containing hazardous substances contributed to the Site by each *deminimis* offeree, and the *deminimis*